

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 8.0
California Prison Industry Authority**

NOTICE IS HEREBY GIVEN that the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2805 and 2808, in order to implement, interpret and make specific Penal Code Sections 2806 and 2808, propose to amend Section 8006 of Article 1, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Pay Rates, Schedule and Movement.

PUBLIC HEARING:

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **November 20, 2018**.

PUBLIC COMMENT PERIOD:

The public comment period will close **December 5, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSON:

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

M. Doherty, Regulatory Analyst

California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
Telephone (916) 358-1711
piaregs@calpia.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

C. Pesce, Administrative Assistant

California Prison Industry Authority
560 East Natoma Street, Folsom CA 95630
Telephone (916) 358-1711

AUTHORITY AND REFERENCE

Penal Code (PC) section 2808 provides the Prison Industry Board (PIB) with rulemaking authority to amend regulation 8006.1 concerning Inmate Pay Rates, Schedule and Movement. In order to implement and make specific, Penal Code (PC) sections 2806 and 2808, PIB proposes to amend regulation section 8006 regarding Inmate Pay Rates, Schedule and Movement.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW:

The proposed adoption of Section 8902 will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to “all of the things that the board of directors of a private corporation would do”

This regulatory action is necessary to implement, interpret, clarify and make specific Penal Code (PC) Section 2801 regarding inmate pay rates, schedule and movement. Penal Code (PC) Sections 2801 and 2808 provide the PIB with implied rulemaking authority to establish regulations for developing and operating enterprises to employ prisoners. Penal Code Section 2801(c) provides CALPIA’s General Manager with the authority to operate a work program for prisoners and manage inmate participation for work assignments with CALPIA including inmate pay rates, schedule and movement. This includes establishing regulations for developing and operating enterprises to employ prisoners. Pursuant to these statutes, CALPIA’s General Manager has the authority to operate a work program for inmates including inmate pay rates, schedule and movement.

Specifically, CALPIA and PIB propose amending Section 8006 regarding Inmate Pay Rates, Schedule and Movement to specify advancement by progressive levels through pay rates and skill levels. The proposed amendments will be vetted through the public process of PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the Administrative Procedures Act (APA). PIB will vote on these proposed regulations at their board meeting. Upon approval, PIB’s Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request and upon CALPIA’s website.

Anticipated Benefits of the Proposed Regulation:

Anticipated benefits of the proposed regulation include a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations, ongoing employment of inmate workers, and providing experiences for inmate workers to utilize upon release from custody. CALPIA has evaluated the potential benefits of this proposed regulatory action and made an initial determination that this proposed regulatory action will:

- Continue to provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations employment inmate

workers, and providing work experiences for inmate workers to utilize upon release from custody.

- Eliminate inconsistencies from institution to institution and facility to facility.
- Decrease the incidences of inmate appeals regarding inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.
- Support uniformity in application of regulations regarding inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.
- Provide assurances of consistent and equitably allocated inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

During the process of developing this regulation, PIB and CALPIA have conducted a search of any similar regulations on this topic and have concluded that this regulation is neither inconsistent nor incompatible with existing laws and regulations.

Local Mandates:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

Fiscal Impact Statement:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:..... None
Cost or savings to any state agency:..... None
Other nondiscretionary cost or savings imposed on local agencies:None
Cost or savings in federal funding to the State:None

Effect on Housing Costs:

PIB and CALPIA have determined that the proposed action will have no significant effect on housing costs.

Significant Statewide Adverse Economic Impact on Business:

PIB and CALPIA have determined that adoption of the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because this regulation only applies to internal operations of CALPIA.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), PIB and CALPIA have made the following assessments regarding the proposed regulation:

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CALPIA's proposed regulatory

changes any differently than exists presently or there is no impact on existing jobs and therefore there is no impact with the adoption of this section.

CREATION, EXPANSION, OR ELIMINATION OF EXISTING BUSINESSES (SMALL OR LARGE) WITHIN THE STATE OF CALIFORNIA

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by CALPIA's proposed regulatory changes any differently than currently, or not at all, and therefore will not have an effect on the creation, expansion, or elimination of small or large businesses within California.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

Provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operation employment inmate workers, and providing experiences for inmate workers to utilize upon release from custody.

REPORTS RELIED UPON

None.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

PIB and CALPIA are not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small businesses any differently than they are now or not at all because they are not affected by CALPIA's internal operations.

ALTERNATIVES DETERMINATION STATEMENT

PIB and CALPIA have determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of PIB and CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action. Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Proposed Text, Initial Statement of Reasons, and Materials Relied Upon have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If modifications sufficiently related to the originally proposed text are made, the changes will be clearly indicated and made available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. PIB and CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.